

U.S. DISTRICT JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONG OK KIM,)
) CASE NO. 3:20-cv-05791-RAJ
Plaintiff,)
) ~~PROPOSED ORDER~~
vs.)
)
COMMISSIONER OF SOCIAL SECURITY,))
)
Defendant)
)

This matter comes before the Court on the parties' stipulated motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on April 1, 2021 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization

1 of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are
2 met.

3 Having thoroughly considered the parties' briefing and the relevant record, the
4 Court hereby GRANTS the motion and awards Plaintiff \$6,935.04 in attorney's fees,
5 subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratliff*, 560
6 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney:
7 David Oliver, David Oliver & Associates, 2608 South 47th Street, Suite C, Tacoma, WA
8 98409. Pursuant to *Ratliff*, award shall be payable to Plaintiff's attorneys, David Oliver &
9 Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government
10 through the Federal Treasury Offset program.
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12 For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is
13 GRANTED;

14 DATED this 21st day of September, 2021.

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17 The Honorable Richard A. Jones
18 United States District Judge
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